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S22.04 oral

Oral submission to the Social Services and Community Committee on the Oranga Tamariki Amendment Bill 95-1

Presenters:

Raewyn Stone and Julie Thomas by Zoom

Social Services and Community Committee

Angie Warren-Clark, Chairperson, Labour; Anahila Kanongata'a-Suisuiki, Labour; Karen Chhour, ACT; Emily Henderson, Labour; Ricardo Menéndez March, Green; Maureen Pugh, National; Glen Bennett, Labour; Tracie Shipton, Terisa Ngobi, Labour; Louise Upston, National; Harete Hipango, National.

Introduction

1. Morena koutou. Good morning.
2. Ko Raewyn Stone tōku ingoa. I am Raewyn Stone and I convene the Health Committee of the National Council of Women of New Zealand (NCWNZ). With me is Julie Thomas of the Parliamentary Watch Committee.
3. The National Council of Women represents over 200 organisations and individual members, affiliated at either national or branch level. Collectively, we represent over 450,000 members.
4. Thank you for the opportunity to speak to our written submission on this important Bill. The level of child neglect and abuse and numbers of children being killed by parents and carers is a national disgrace and is a deep stain on our nation. The previous system has been an abject failure in protecting children, especially tamariki Māori.

What we support in the Bill

5. NCWNZ supports the changes to the subsequent child provisions which have disproportionately discriminated against and disadvantaged Māori parents, tamariki, and whānau.

6. We welcome the new child and whānau-centred approach and commitment to Te Tiriti o Waitangi and the genuine partnerships with iwi, NGOs, and communities. We note the additional resources being committed and early signs of improvements like reductions in tamariki coming into care.
7. We are optimistic that, together with cultural and structural change in Oranga Tamariki – and with sufficient and sustained financial resources – the Bill will bring long-overdue fundamental change to the country's child protection practice and outcomes.
8. Here, we were concerned by recent reports of delay and underspend in setting up services for children who have been sexually abused. It appears it is as much a problem of culture and attitude in Oranga Tamariki as resources. These blockages MUST be addressed if this Bill and associated legislation is to have any chance of success.
9. We welcome the provisions which strengthen the rights of children and young people in relation to appropriate communication, consent, and the appointment of child and youth advocates.

Our concerns

10. There is an element of risk in the alterations to the subsequent child provisions, and it is imperative that Oranga Tamariki, iwi, other agencies, and NGOs are given the adequate and sustained resourcing to ensure the protection and wellbeing of children and to support parents to be successful in their parenting roles.
11. Our major concerns are around how the impact of the Bill will be monitored and reported. There are some confusing and conflicting statements in associated department guidance and Cabinet Papers, but in particular our concern is directly linked to our concerns about the Oversight of Oranga Tamariki System and Children and Young People's Commission Bill 94-1
12. We share the deep concerns and dismay of many other NGOs and children's advocates that the Bill will create a complex and confusing system between the "independent" monitor in a government agency, the Ombudsman, Oranga Tamariki, and the proposed Children and Young People's Commission, which must be "approved" by relevant Government agencies.
13. Such a complex, confusing system will weaken monitoring, not be seen as independent, not be trusted and will further discourage young people, parents and whānau from making complaints.
14. The current role of the Children's Commissioner is a highly respected and trusted truly independent voice and advocate for children and young people. Successive holders of that position have spoken "truth to power" and important changes have been made. The current proposal for a Commission will fragment and dilute that voice.

15. We strongly urge the Committee to recommend that the current position and role of Children's Commissioner be retained, and more resources provided.
16. We recommend that the Committee ask for more clarity on how the provisions in the Oranga Tamariki Amendment Bill 95-1 will be monitored and reported under the changes proposed in the Oversight Bill.

Questions

Q: Karen Chhour, ACT. You expressed concern that we could be creating an element of risk. Is that in relation to repealing the subsequent child legislation or was that around anything else in particular? And how do you feel about oversight - if we have less oversight are we creating more risk in that?

A: Yes, the comment was in relation to that there are parents who are vulnerable and have made mistakes, and the current system of punishing them for all time is highly unjust. Parents do need adequate support to be able to build themselves into successful parents and that their children are able to thrive. So, the risk is that if these provisions came into play and there was not that support provided there could be a risk to children.

Q: Karen Chhour, ACT. Do you feel we currently have enough services available in that area or do you feel we should be creating those services first before changing this?

A: That is a difficult one as with the pace of change happening at Oranga Tamariki you might be waiting a long time. I think a balance would be to make the changes and, although one can always argue for more resources, there just seems to be some systemic blockages in making things happen with the existing resources.

Q: Terisa Ngobi, Labour. I heard that you believe the independence of the Children's Commissioner is essential and that currently they are doing a really good job in that space. We have also heard from people with children with disabilities and our Pasifika community that they don't even know who the Children's Commissioner is. For me, on one hand it's great that it's working well for those who know it's there but for those that don't there seems to be a bit of a gap. The Bill is proposing a Board with a makeup of people, and you'd hope to see not only tangata whenua but tangata moana given they are the biggest groups that have their children uplifted. You mentioned having more resources for the Children's Commission, how would that be in comparison to a Board that has more representation?

A: The Children's Commissioner is one part of an oversight system. In our submission we detail some confusion between the Department advice, the cabinet papers and the Oranga Tamariki Action Plan; and how the legislation is to be monitored is unclear which causes concern. I totally agree and note that there is a Deputy Commission who is tangata whenua. I still think there is a place for one key person, but you would hope with more

resources that the position would be able to reach out more into those communities that may not be aware of the Children's Commissioner position.

Conclusion

The Chairperson thanked NCWNZ for the useful submission in terms of making the point of how the two Bills work together.